

EXHIBIT A

1 Page 1

2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF GEORGIA
4 ATLANTA DIVISION

5 Civil Action No. 1:17-cv-02989-AT

6 DONNA CURLING, et al.,
7 Plaintiffs,
8 vs.
9 BRAD RAFFENSPERGER, et al.,
10 Defendants.

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15 REMOTE VIDEOTAPED DEPOSITION OF
16
17 JAMES A. BARNES, JR.

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23
24 Lakeland, Georgia

25 Wednesday, July 20, 2022

Court Reporter: Michelle M. Boudreaux-Phillips, RPR

1 A I don't know because I don't know her.

2 Q Okay. When you first got access to
3 Ms. Hampton's phone, did you ask anyone why there was
4 no email on it?

5 A No. I didn't really think to ask.

6 Q Well, when you left Coffee County, you wanted
7 to make sure your emails were accessible for
8 Ms. Roberts, right?

9 A Yes, that's correct.

10 Q And you thought that would be important for
11 her because there's a lot of historical information in
12 the emails, right?

13 A Yes, that's correct.

14 Q And you never had access to Ms. Hampton's
15 emails at all is what you're saying?

16 A That's correct.

17 Q Did you ask anyone at Coffee County what
18 happened to her emails when you came in?

19 A Well, I did ask about getting access to them.

20 Q Okay. Who did you ask?

21 A The county manager.

22 Q Who was that?

23 A Wesley Vickers.

24 Q So you came in, wanted access to
25 Ms. Hampton's emails, you asked the county manager.

1 What was the response?

2 A He got back in touch with the guy that runs
3 IT for Coffee County.

4 Q Who is that?

5 A I know his name was Charles. I can't
6 remember his last name.

7 Q What happened there?

8 A He did try to go back and access them, but
9 when he had deactivated her account, he didn't archive
10 everything and apparently it was lost.

11 Q When was her account deactivated?

12 A I'm not sure. Basically, since they have a
13 Coffee County network, anybody can log in with those
14 credentials on any Coffee County computer, so they
15 deactivated it.

16 Q So when you came in, you asked for access to
17 Ms. Hampton's emails and you were told they no longer
18 existed; is that right?

19 A Essentially, yes.

20 Q And that they had been lost when her account
21 had been deactivated; do I understand that right?

22 A That's correct.

23 Q When you were in Lanier County as an
24 assistant supervisor, I think you said they replaced
25 the elections supervisor at some point. Is that right?

1 something else?

2 A I used Outlook.

3 Q Were you assigned a computer as the elections
4 supervisor in Coffee County?

5 A Yes, that's correct.

6 Q Was that a laptop or a desktop?

7 A It was a desktop.

8 Q And would you regularly access your work
9 email on that?

10 A Yes, that's correct.

11 Q The desktop that you got, was that the same
12 computer Ms. Hampton had?

13 A Yes, it was.

14 Q Did you ever ask anyone whether any of her
15 prior emails had been stored on that desktop?

16 A Well, they essentially got the IT guy to try
17 to go in, but like I said, once those credentials --
18 since that's attached to the computer and the server,
19 once you don't have that email credential anymore, you
20 can't access any of that.

21 Q So who told you that?

22 A That would be the IT guy.

23 Q Charles somebody?

24 A Yeah. But there were some of her files that
25 were backed up onto the server.

1 Q Yeah, we'll come to that. Thank you.

2 So just sticking with the computer for a
3 moment, you don't have -- you're not aware that when
4 Outlook is used on a -- on a desktop, the emails can
5 get stored locally on that computer?

6 A Well, I'm not an IT guy, so, no, I didn't
7 know that.

8 Q So what was told to you when you were trying
9 to get the historical information in Ms. Hampton's
10 emails was that they were gone from the server, from
11 the network, from her phone, and from her desktop?

12 A I was never aware that she had the emails on
13 her phone.

14 Q Got it. Sorry. That's fair. But they were
15 gone from every device on which she had it that you
16 might get access to; is that fair?

17 A Yes.

18 Q Okay. All right, and then you said she had
19 some files on the server. What are you talking about
20 there?

21 A Stored locally, there's a shared server for
22 the computers in there, and there were some files in
23 there.

24 Q And that's a computer that's connected to the
25 EMS server?

1 A No. The EMS server is a completely closed
2 thing. There's no network to it.

3 Q Okay. So when you say "server," what server
4 are you talking about?

5 A I'm talking about an actual, like, server
6 backup. Just in case a computer got fried or
7 something, you would have all your information stored
8 there.

9 Q So this is a server for the computer system,
10 not for the Election Management System?

11 A That's correct.

12 Q Okay. And then there was a shared computer
13 that was connected to that server, right?

14 A Yes.

15 Q Okay. And the files that were on there, did
16 any of them include any emails?

17 A Not that I'm aware of.

18 Q Do you know whether anyone looked when you
19 were there?

20 A Well, honestly, most of those files in there
21 were older, from, you know, several years ago.

22 Q When you say "several years ago," you mean
23 several years before you took over as --

24 A Yes, that's correct.

25 Q What specific files do you recall on that

1 computer from Ms. Hampton?

2 A It was mostly things about billing, previous
3 elections, various election forms, and things of that
4 nature.

5 Q Any videos or photos?

6 A I believe there were some personal photos on
7 there.

8 Q When you say "personal photos," what do you
9 mean?

10 A Photographs of her family.

11 Q Anything else?

12 A Not that I recall, no. Well, actually, I
13 think there were some board minutes on there that had
14 been typed up.

15 Q Okay. Did you have any understanding of why
16 her account, her email account, had been deactivated
17 when she left?

18 A Not really. But, I mean, the county official
19 acted pretty surprised that that happened. I think it
20 was just something that the kind of contracted-out IT
21 department did.

22 Q And by "county official," were you referring
23 to Mr. Vickers?

24 A Yes, sir.

25 Q Okay. And you said he was surprised that it

1 was deactivated?

2 A That's correct. He was under the
3 understanding that it was still accessible. So I don't
4 believe it was intentional that the IT department just,
5 you know, deactivated it completely. That's why we
6 made a real strong point of making sure that my emails
7 were archived, so that the new supervisor wouldn't be
8 flying blind without all that information.

9 Q And the IT department that you refer to, you
10 said that was contracted out, that was a third party?

11 A Yeah, it's contracted out through some
12 company, I believe, in Homerville, Georgia.

13 Q Do you recall the name of the company?

14 A I can't remember the name of the company,
15 honestly.

16 Q If you wanted to recall the last name of
17 Charles, the IT guy, or recall his full name, who would
18 you ask?

19 A Wesley Vickers usually contacts him whenever
20 somebody needs it, so I'm sure he knows.

21 Q Charles Dial, does that ring a bell?

22 A I believe that might be it.

23 Q Okay. You mentioned a desktop. Was there a
24 laptop issued to you in Coffee County?

25 A There was a laptop there, but I didn't use

1 Q Who else had the log-in credentials?

2 A Just the people in our office.

3 Q So that's you, Ms. Grantham. Did poll
4 workers? Were they allowed on the WiFi?

5 A No. There wasn't any reason for them to be
6 on it.

7 Q So did anyone other than you and Ms. Grantham
8 and the IT department have access to the Coffee County
9 election office WiFi?

10 A No.

11 Q And just to be clear, you don't actually know
12 whether Ms. Hampton primarily used the desktop or the
13 laptop, you were assuming that; is that right?

14 A That's correct, because it was an older
15 laptop.

16 Q Did you ever speak with Ms. Hampton?

17 A No. I've never met her before.

18 Q So you came into the office in April of 2021
19 immediately after her. You didn't reach out to her to
20 get some thoughts or insight or guidance on her
21 experience?

22 A No.

23 Q Did anyone tell you not to do that?

24 A No, nobody told me not to.

25 Q Were you discouraged from that?

1 A No.

2 Q So you came into a -- the Coffee County
3 elections supervisor role, you had no access to her
4 email, her prior files, apart from a handful of things
5 on the shared computer. You didn't -- you didn't think
6 it would be useful to at least have a conversation with
7 her about this new role?

8 A Well, to be fair, all of us in elections had
9 already seen the YouTube video by that point, so I
10 didn't figure it was really worth my time.

11 Q Okay. And just so we're clear we're talking
12 about the same thing, describe the YouTube you're
13 talking about.

14 A That was the YouTube video of her showing --
15 loading ballots into the scanner and it having
16 problems.

17 Q And that video was from December 2020; does
18 that sound right?

19 A I'm not sure when the video was from. I just
20 know that pretty much most of the elections offices had
21 watched it by then, so it wasn't a secret or anything.

22 Q But this is a video that you saw between the
23 November 2020 election and then taking over as the
24 elections supervisor; is that the time frame?

25 A Yes.

1 Q At any point when you were the elections
2 supervisor for Coffee County, did you change any of the
3 passwords on any of the election equipment, like the
4 EMS server, ICC, anything?

5 A No.

6 Q Did you have administrative rights to do
7 that? Was that something you were capable of?

8 A Honestly, I don't know. I don't think you
9 can, but I never was told that you could.

10 Q And why do you think you would not be able
11 to?

12 A Because it's a very secure system. That's
13 the way we were all told.

14 Q So based on your understanding, who had
15 administrative privileges in the system to change the
16 password on, say, the EMS server?

17 A Well, as I was told through CES, nobody
18 should be able to do that. I would assume it would
19 only be the State that could do that.

20 Q And who told you that through CES?

21 A I believe it was Mr. Prateek Patel.

22 Q I'm sorry, could you spell that one?

23 A Let's see. I believe it's
24 P-R-I-T-E-C-K [sic]. I believe that's correct.

25 Q What's his role in CES, your understanding of

1 it?

2 A Well, everybody at CES is essentially, like,
3 IT for the Secretary of State's office, so they're all
4 the computer-savvy guys. He was the one that built the
5 election databases for me, ballot databases.

6 Q So do I understand correctly that the -- the
7 password for an EMS server for the County, did that get
8 set by the State when that server comes in?

9 A Yes, the State initially sets that up.

10 Q And your understanding is the County wouldn't
11 then be able to change that password, that's something
12 they'd have to work with the Secretary's office on?

13 A That was my understanding.

14 Q And is that the same for the ICC?

15 A Yes, that's my understanding of that as well.

16 Q Okay. So you said you would -- well, sorry,
17 before we get to that, you mentioned earlier the
18 video of Misty Hampton running ballots through a
19 Coffee County scanner.

20 What was it about that video that led you to
21 decide not to reach out to her once you became the
22 elections supervisor?

23 A Well, all the equipment was completely
24 functional and, you know, if you -- you're supposed to
25 take those scanners and actually clean them every now

1 Q And when you left -- I know we talked about
2 your emails, you archived your emails. Ms. Roberts had
3 access to that. You didn't -- you said you didn't
4 delete any of your work-related materials.

5 Was there anything, other than the emails,
6 you specifically made sure was archived? Or did you
7 just make sure you didn't delete anything?

8 A Well, like I said, I made sure that she had
9 access to everything that was on the computer just in
10 case whenever it was switched over, it was going to
11 lose any of -- it would drop some of it into the server
12 files, and I also made a hard copy on a high-capacity
13 thumb drive and turned that over to her.

14 Q Did anyone ever offer any explanation to you
15 for why Ms. Misty Hampton left the elections supervisor
16 position?

17 A I was under the understanding there were some
18 issues with timesheets and that they had opted to
19 resign for that reason.

20 Q That Misty Hampton had resigned over that?

21 A Yes.

22 Q And what -- who gave you that understanding?

23 A That's what I was told by the Board, and I
24 actually did see both her and Jil Riddlehoover's
25 original resignation letters, and that's what they said

1 as well.

2 Q You saw resignation letters specifically from
3 Ms. Hampton and -- I'm sorry, what's the other one,
4 Riddle -- I'll get the name wrong.

5 A Jil Riddlehoover.

6 Q Riddlehoover.

7 So you actually saw resignation letters
8 signed by Ms. Riddlehoover and Ms. Hampton where they
9 indicated they were resigning because of concerns about
10 timesheets?

11 A That's correct.

12 Q And who provided you those?

13 A Actually, that was just in the folders that
14 were maintained by the Board of Elections members. I
15 went back through some of the old minutes and all just
16 to kind of get up to speed on things, and that was
17 there.

18 Q Who on the Board specifically did you speak
19 with about Ms. Hampton leaving her position?

20 A It came up in a standard board meeting, so I
21 would assume it would basically be everybody.

22 Q Was it the first meeting you had, that's
23 where it came up?

24 A Yes, sir.

25 Q What all was discussed about Ms. Hampton in

1 that meeting?

2 A Essentially, just like I had told you, that,
3 you know, there had been some falsification of
4 timesheet data and that they had been caught with it
5 and opted to resign and be able to go and apply
6 somewhere else rather than getting disciplinary action.

7 Q How soon after you started did that meeting
8 take place, just approximately?

9 A Oh, geez, let's see. Maybe a week or two
10 after I started.

11 Q Were there any other concerns expressed about
12 Ms. Hampton in that meeting?

13 A No.

14 Q Did the YouTube video that you mentioned
15 before, did that come up in that meeting?

16 A Not in that meeting, but they did mention it
17 to me that, you know, Coffee County was a little bit
18 famous during the hiring process.

19 Q Okay. And what was mentioned to you during
20 the hiring process?

21 A Just essentially that it was a fixer-upper
22 office and it was going to take a lot.

23 Q That YouTube video was part of why it was a
24 fixer-upper?

25 A Well, that's partly why, yeah.

1 Q Was there anything else said to you during
2 the hiring process about Ms. Hampton?

3 A No.

4 Q Once you took over as elections supervisor,
5 was there ever any discussion between you and anyone
6 else in the County about Ms. Hampton and the YouTube
7 video that you mentioned?

8 A No, not really.

9 Q So no one on the Board, no one in the County
10 ever came to you and said, "We have concerns about what
11 Ms. Hampton did in that video and let's talk about it"?

12 A Essentially, the main thing was everybody was
13 focused on trying to move forward and just get the
14 office up to speed. Quite frankly, there was a lot to
15 do.

16 Q Did you learn that in that video Ms. Hampton
17 had a password that was readable posted on her desk or
18 on her screen?

19 A Yeah, I actually did see the Post-it note.

20 Q Was there ever any discussion, once you came
21 in as the elections supervisor, about that's not a good
22 practice, you shouldn't be doing that, any concerns
23 about that?

24 A Oh, well, absolutely that's not best practice
25 to be putting your password around like that. That's

1 not something I do.

2 Q Right, but more specifically, was there any
3 discussion that you were in about the fact that
4 Ms. Hampton had done that and whether that posed any
5 security risk for Coffee County's election system?

6 A No, I didn't have a conversation about that
7 with anybody. I just didn't do that.

8 Q Sorry, you may have said this earlier. You
9 never had any communications, written or oral, in
10 person, with Ms. Hampton ever; is that right?

11 A That's correct.

12 Q You've never met her?

13 A No.

14 Q Did she have an assistant elections
15 supervisor?

16 A That's correct.

17 Q Was that --

18 A Jil Riddlehoover.

19 Q Right, that was Ms. Riddlehoover?

20 A Yes.

21 Q So when you came in, it was new staff in the
22 Coffee County office, right?

23 A Yes, that's correct.

24 Q But you said some of the poll -- or actually
25 a lot of the poll workers had been folks who had worked

1 the counties, instead had to wait for CISA to do it
2 almost a year later?

3 MR. DENTON: Object to form.

4 THE WITNESS: Well, it doesn't surprise
5 me because I assume that they had their
6 reasons for it. I don't know what that is,
7 but since I don't have all the knowledge, I
8 would only be speculating at this point.

9 Q (By Mr. Cross) So as a county elections
10 supervisor, you trust the State to determine election
11 security across the state, fair?

12 A That's correct.

13 Q All right. So when you came in to
14 Coffee County, at some point you tried to access the
15 EMS server and you couldn't access it, right?

16 A That's correct.

17 Q When did that happen?

18 A That would have been towards the end of
19 April, I believe, and I contacted CES about that and
20 described the problem to them, and they said that they
21 would be down next week to check it out. Initially,
22 there was the assumption that maybe I had fat-fingered
23 in the 16-digit-long password.

24 Q And the 16-digit password was one that was
25 provided by the State; is that right?

1 A That's correct.

2 Q And why was it that you didn't try to access
3 the EMS server or the ICC until a few weeks after you
4 arrived?

5 A Because there wasn't an election for a while
6 out, so there wasn't really any need to. And there was
7 quite a bit of other work to do, also, catching up on
8 voter registrations and things like that.

9 Q So you didn't try to access the EMS server or
10 the ICC with the password you had until a need arose
11 with an upcoming election?

12 A That's correct.

13 Q Where did you get the 16-digit password that
14 you were trying to use?

15 A Initially, that was the same one that had
16 gotten left there by Ms. Hampton. And I called CES up
17 to make sure that that was, in fact, the correct
18 password, they verified that that should be the correct
19 password, and when I tried it several times and it
20 didn't work, they said that they would come down and
21 take a look.

22 Q You said it was left by Ms. Hampton. Where
23 did you find it?

24 A It was still up there attached to the
25 computer screen.

1 Q On the Post-it note?

2 A Yeah.

3 Q Okay. And how did you confirm with CES that
4 that was the password that they had provided initially?

5 A By calling up there to the CES office.

6 Q So you called someone at CES, you read the
7 16-digit password, they said, "Yeah, that's the one
8 that we have for this equipment," and you pointed out
9 it didn't work?

10 A That's correct.

11 Q Was the 16-digit password in Coffee County
12 the same one that you used for the EMS or ICC in
13 Lanier?

14 A No.

15 Q So Lanier had a different password?

16 A That's correct.

17 Q Also 16-digit?

18 A Yeah, they're all the 16-digit,
19 Google-generated type passwords.

20 Q Okay. And they're all provided by the State?

21 A That's correct.

22 Q What did CES say when you contacted them and
23 said the password doesn't work?

24 A Like I said, they tried to go back through it
25 several times with me and just make sure that I

1 wasn't -- it wasn't a user error on my part. And then
2 when it continued not to work, they said that they
3 would come down and take a look at it the following
4 week.

5 Q Do you recall who specifically you spoke with
6 at CES?

7 A I believe it was Prateek Patel that I spoke
8 to because, like I said, I know him better than most
9 since he builds my ballot databases.

10 Q Sorry, give me the name one more time.

11 A Prateek Patel.

12 Q Patel is P-A-T-E-L?

13 A Yes, that's correct.

14 Q And this was sometime in late April of 2021?

15 A Yes, I believe that's correct.

16 Q Did you ask or was there any discussion with
17 him or anyone else at the Secretary's office about why
18 the password wasn't working?

19 A Well, when he came down, he brought another
20 gentleman with him named Chris. I'm not sure about his
21 last name. I just know he works at CES. And initially
22 they -- you know, first thing he did was try that
23 password just to see if it worked, because in the past
24 people have just messed it up and not done it right.
25 And they didn't know why the password had been changed,

1 said that it shouldn't have been able to be changed,
2 and that's basically where that stood. So I have no
3 idea why or how.

4 Q But they -- Mr. Patel came in and someone
5 else named Chris, both from CES, right?

6 A Yes, that's correct.

7 Q And they looked at the ICC and the EMS server
8 and their assumption was that somebody had changed the
9 password?

10 A I'm not sure, actually. They just seemed
11 surprised to me because, like he said, they're not
12 supposed to be able to change it. So I'm not sure that
13 they knew exactly what had happened --

14 Q Got it.

15 A -- at that juncture.

16 Q All they could tell was the password didn't
17 work?

18 A Yes, that's correct.

19 Q And they explained that people at the county
20 level aren't supposed to have administrative rights to
21 change a password?

22 A Yes, that's correct.

23 Q So what happened next?

24 A After that, I was told that they were going
25 to have to replace the server and take it back to CES,

1 try to gain access to it. They tried to move over as
2 much as they could kind of back-door style, but it was
3 impossible to retrieve all the data at that time.

4 Q When you say -- sorry, the last thing you
5 said, retrieve data, what were you talking about?

6 A All the election files that are stored there
7 on the server, they were unable to retrieve all of that
8 simply based on the nature of it being in lock-down.

9 Q They were -- was CES able to retrieve any
10 files or data from the EMS server?

11 A I don't know if they ever were or not, but at
12 that point in time, they were unable to retrieve it.

13 Q What about the ICC, did they ever get access
14 to that?

15 A I'm not sure, to tell you the truth.

16 Q How soon after Mr. Patel came in and
17 confirmed the password didn't work did the State take
18 the ICC and the server?

19 A That was the same day. They just had an
20 extra one with them, just depending on whatever the
21 problem might be, just in case.

22 Q So you contacted Mr. Patel in late April of
23 2021, right?

24 A Yes.

25 Q And that was a phone call?

1 A Yes, that's correct.

2 Q Did you email anyone about this?

3 A No.

4 Q Did you contact Chris Harvey or anyone else
5 beyond Mr. Patel about not having access?

6 A No, I didn't contact anybody else about not
7 having access.

8 Q So Mr. Patel was the only person you ever
9 spoke with or emailed or communicated with about not
10 having access to the ICC and the EMS server?

11 A That's right.

12 MR. DENTON: Object to form.

13 Q (By Mr. Cross) I'm sorry, did you say that's
14 right?

15 A Yes.

16 Q Okay. How quickly after you called Mr. Patel
17 did he arrive?

18 A It was about like what they said; it was
19 about a week before the two people from CES came.

20 Q It was a week after you called them?

21 A Yeah, roughly. It was probably the next
22 week.

23 Q Okay. And when they came, they had with them
24 a replacement server and a replacement ICC?

25 A Yes, that's correct.

1 Q And they replaced them on the spot?

2 A That's correct.

3 Q Did they replace anything else besides the
4 EMS server and the ICC?

5 A No.

6 Q In the room where the EMS server is, is there
7 a computer that's connected directly to that server?

8 A The ICC and the EMS are both networked
9 together, but there's no other equipment.

10 Q But if you want to -- when you go to log in
11 to the EMS server, there's a keyboard and a screen that
12 you're trying to log in on, right?

13 A Yes, that's correct.

14 Q Does that sit in the room with the EMS
15 server?

16 A Yes, the screen and keyboard are in there for
17 each one of those.

18 Q Okay. And the screen and keyboard, when
19 you're trying to log in to the EMS server, are those
20 hardwired into the server or they're connected to a
21 separate computer terminal of some sort?

22 MR. DENTON: Object to form.

23 THE WITNESS: Each one of them is
24 connected to the computer terminal that
25 you're using.

1 Q (By Mr. Cross) Okay, so when Mr. Patel came
2 and replaced the EMS server, did he replace the
3 keyboard, the screen, any computer terminal, any wires,
4 any other equipment, or was it just the server that got
5 replaced?

6 A I don't recall anything else being replaced.

7 Q Beyond the server?

8 A That's correct.

9 Q And same with the ICC, the only thing they
10 replaced was the ICC itself, no other peripherals or
11 anything attached to it?

12 A As far as I know, that's correct.

13 Q Were you there with them when they were
14 replacing the equipment?

15 A Yes, I was there with them for the majority
16 of that time. I was doing other work.

17 Q Okay. So they left, took the ICC and the
18 server with them, and you don't know one way or the
19 other whether anyone ever got access to the data or the
20 files on the --

21 A That's correct.

22 Q What's your understanding of where the new
23 server and ICC came from that they brought that day?

24 A I would assume it came from their main office
25 in Marietta, but I'm not sure.

1 Q You didn't ask?

2 A No.

3 Q Did you have any understanding as to whether
4 these were a new EMS server and ICC or whether they
5 were taken from another county or had been used before
6 or just no understanding one way or the other?

7 A I just got the new server in there and it was
8 working, and that's what mattered to me because I had
9 an election coming up.

10 Q So you didn't ask -- you didn't ask them,
11 "Where did this come from"? All you needed was it to
12 work?

13 A Yeah, I didn't ask where it came from.

14 Q And after Mr. Patel and Chris left with the
15 ICC and the server, what follow-up did you have with
16 Mr. Patel or anyone else about this issue?

17 A I didn't have any follow-up with them.

18 Q Did you ever talk to Mr. Patel again?

19 A Yeah, in the normal course of business.

20 Q So he was one of -- he was, I think you said
21 earlier, your primary contact at CES, right?

22 A Yeah, I had asked -- I had asked him at one
23 point in time were they ever able to get, you know,
24 anything off of there because I had an open-records
25 request, and they said that -- "No, if you don't -- if

1 closer to the time that you left, or closer to the time
2 you arrived?

3 A It was the latter half of 2021. It's just
4 typically the elections office gets so many
5 open-records request, it's hard to keep track of them.

6 Q Sure. And was this a phone conversation or
7 an email exchange?

8 A A phone conversation.

9 Q So you never sent an email or a text message
10 or created any written document about replacing the EMS
11 server or the ICC?

12 A No.

13 Q Why is that? It's not a small thing to get a
14 new ICC and a new EMS. Why not create a report on
15 this?

16 A Well, say in your office, if you contact an
17 IT guy with a problem, do you usually email him or do
18 you usually call him up because it's simpler?

19 Q Well, for us it's easier to email.

20 A I got you. Well, for me it's easier to walk
21 through a problem talking, so that's just typically why
22 I do.

23 Q Okay. No, and I understand that, I
24 understand the phone call to Mr. Patel. I'm sorry.
25 I'm asking a different question, which is: The point

1 at which you -- the State replaced the ICC and the EMS
2 and you realized the password didn't work, I'm curious
3 why you -- why you didn't write a report to provide for
4 the Board, for example, or to have posterity for the
5 incoming -- you know, the next elections supervisor, on
6 what had happened here and what had been done.

7 A Well, like I said, you have to understand
8 that the office was in quite a bit of disarray and
9 there was a lot to do in there. So kind of trying to
10 tackle one emergency at a time, you know.

11 Q But it never occurred to you to put anything
12 in writing on something as substantial as replacing an
13 ICC and an EMS server?

14 A Well, what my job was, was there was a
15 problem and to get the problem fixed, so that's what I
16 did.

17 Q What did you share with the Board, if
18 anything, the election board, about this situation?

19 A We had a conversation about it because I was
20 letting them know that, you know, "Hey, we had some
21 guys from the State that had to come because there's a
22 problem with the server and I can't access it, and
23 we've got an upcoming election."

24 Q And when was that approximately?

25 A I'm not entirely sure. It would have been

1 around the beginning of May.

2 Q So shortly after the situation arose, you
3 alerted the Board in some fashion that this had
4 happened?

5 A Yeah.

6 Q And who specifically did you alert?

7 A I believe it was just brought up in the
8 meeting, as I may recall, but it's been a while.

9 Q So your memory is Mr. Patel comes in,
10 replaces the server and the ICC, and then at the next
11 monthly board meeting, you provided some sort of oral
12 report to the Board on that?

13 A Yes.

14 Q And your memory is that -- were all the board
15 members present for that, to your recollection? Were
16 any missing?

17 A I'm not sure if everyone was there or not
18 because you know how it is trying to schedule meetings.

19 Q And this would have been one of the meetings
20 in the conference room in your office that you
21 mentioned?

22 A Yes, that's correct.

23 Q And since you provided the Board a monthly
24 report, why not include this in that monthly report as
25 well when you were preparing that report?

1 A Honestly, I'm not sure if it was in the
2 minutes or not.

3 Q The minutes of the board meetings, are those
4 public?

5 A Yes, that's correct.

6 Q Okay. And would it surprise you that there's
7 no indication of discussion of this?

8 A Not really. Like I said, I was more
9 concerned with the election than going through the
10 issues of documenting down everything. I don't
11 typically make it a point to document a lot of things
12 other than my emails, which are open, and my phone
13 records, which are open, and if I have some reason to
14 write a report to the State.

15 Q It didn't -- it didn't trouble you that you
16 came in to an office where the prior two election
17 officials had been at least encouraged to leave for
18 what you said was not being honest or accurate about
19 their time records, it didn't trouble you that the EMS
20 server and the ICC were no longer even accessible? You
21 didn't view that as a security concern?

22 MR. DENTON: Object to the form.

23 THE WITNESS: Definitely, because I
24 contacted the State about it. But like I
25 said, it's not my job to speculate on what

1 anything may or may not be. It's my job to
2 report a problem if I have one, which I did.

3 Q (By Mr. Cross) And did you contact -- so you
4 didn't contact -- you didn't think this warranted
5 communicating to law enforcement, for example, like the
6 GBI?

7 A No. It's simply I couldn't get into it, they
8 came and replaced it and fixed it for me. That was
9 that.

10 Q Were you concerned that the fact that the
11 password never -- no longer worked, that maybe that was
12 an indication that someone had done something they
13 weren't supposed to do on that server and on the ICC?

14 A Like I said, I don't get paid to speculate
15 and investigate. That's why the State has
16 investigators.

17 Q So from your perspective, you walked in, the
18 password didn't work, you did what you were supposed to
19 do, contacted the State, and you left it for them to
20 investigate and figure out if there was a bigger issue?

21 A That's correct.

22 Q And did you ever hear from anyone at the
23 State again about this particular issue, that the
24 password didn't work and they had to replace these two
25 pieces of equipment?

1 MR. DENTON: Object to form.

2 THE WITNESS: No, I did not, but it's
3 not unusual for the State not to follow back
4 up with us. I mean, there's 159 counties.
5 They'd have to have more employees to follow
6 up with everybody on everything, I'm sure.

7 Q (By Mr. Cross) But we're talking about a
8 county where the elections supervisor reportedly had
9 been asked to leave for not being honest with time
10 records, where she put up a video that had the original
11 password for this machine publicly accessible, and then
12 the password didn't work when you showed up and all her
13 emails were gone. That doesn't strike you as sort of
14 circumstances where somebody might want to dig a little
15 deeper beyond just replacing the equipment?

16 A Well, like I said, I'm not paid to be an
17 investigator. I'm paid to be an elections supervisor.
18 And normally my follow-up is if I get an invitation to
19 a State Election Board case.

20 Q But you said it doesn't surprise you
21 initially they didn't follow up because they're busy
22 and they have lots of things, but we're not talking
23 about an ordinary situation here, right? We agree on
24 that, this is not an ordinary situation?

25 A Well --

1 MR. DENTON: Object to form.

2 A -- here's the thing, they investigate all of
3 these things. And usually I hear back about it because
4 there will or there will not an SEB case on it. So
5 it's not unusual for me not to hear back from them
6 unless it's because it's going to the State Board.
7 That's not unusual for anybody, as far as I know.

8 Q But as you sit here today, you don't -- you
9 never got any indication from anyone at the State,
10 Secretary's office, or the SEB, that any investigation
11 was conducted into why the password wasn't working,
12 right?

13 MR. DENTON: Object to form.

14 THE WITNESS: I have no idea whether
15 there was an investigation or not, and I
16 don't -- I don't get SEB case updates
17 anymore, so I have no idea if there's one
18 ongoing right now or not.

19 Q (By Mr. Cross) Is there anyone else you
20 communicated with about this password issue?

21 A No.

22 Q For example, did you reach out to former
23 colleagues in Lanier that you were close with or
24 Mr. Vickers?

25 A Oh, well, I did -- I did reach out to Josh

1 I understand your testimony, the Board would defer the
2 investigation to the State. I was asking a more
3 specific question.

4 Did any of the board members in that meeting
5 express concern about what the situation might mean for
6 the security or the reliability of the equipment that
7 you had or whether Ms. Hampton or anyone else had done
8 something they weren't supposed to do?

9 A Not any concerns over the equipment we had,
10 but like I said, we really changed the security
11 procedures since I'm there. So it's more of a "Oh, no,
12 this happened in the past but things are better now"
13 kind of situation.

14 Q You said you changed the security practices
15 in Coffee County. How so?

16 A Well, we just kept all the doors locked
17 unless there was a need not to. You know, like all the
18 storage for the equipment was locked at all times, the
19 main door past the lobby that goes into where our
20 office space was was kept locked. Whenever I wasn't
21 there, I locked the office door that I had, and the
22 server door was locked. Essentially, we just changed
23 the ways we did things.

24 Q And making sure everything was locked, that
25 was a change, that wasn't a historic practice at

1 Coffee County; is that your understanding?

2 A Yes, that's correct. And I also kept regular
3 voters and people from going back there into the inner
4 office. We just dealt with them at the countertop up
5 front.

6 Q And that was a change from prior practice in
7 Coffee County?

8 A Yes.

9 MR. CROSS: Okay, why don't we take
10 another break. Let's go off the record.

11 THE VIDEOGRAPHER: The time is 12:05.
12 We're off the record.

13 (Recess taken.)

14 THE VIDEOGRAPHER: The time is 12:27.
15 We're back on the record.

16 Q (By Mr. Cross) All right, sorry, just trying
17 to pull something up real quick.

18 All right, Mr. Barnes, I want to make sure I
19 got -- I understood something right.

20 So when the State took the ICC and the EMS
21 server, was that documented, like was there chain of
22 custody paperwork that you signed on that?

23 A I don't recall signing chain of custody
24 paperwork. Maybe I did. I'm not sure. It's been a
25 while, but...

1 Q But you expect to, right? That's a pretty
2 major change, to bring in a new ICC and EMS and get rid
3 of the old one. There would be chain of custody
4 documentation, right?

5 MR. DELK: Object to form.

8 Q (By Mr. Cross) The County wouldn't keep a
9 copy of their own chain of custody documents so that
10 there's a record of replacing the ICC and the EMS?

11 A I'm not aware of any documentation about it
12 being taken, but then again, it was the state employees
13 coming to get it, so...

14 Q And you don't recall them handing you
15 paperwork to sign?

16 A I don't recall, no.

17 Q But you agree that chain of custody is
18 important, right?

19 MR. DELK: Object to form.

20 MR. DENTON: Object to the form.

23 (Exhibit 3 marked for identification.)

24 MR. CROSS: Grab Exhibit 3, if you
25 would, please, sir. Just let me know when

1 you've got it.

2 THE WITNESS: I've got it.

3 MR. CROSS: All right.

4 Q (By Mr. Cross) Do you see at the top there's
5 an email that you sent to Robert Hernandez on May 6,
6 2021?

7 A Yes, that's correct.

8 Q And Robert Hernandez is one of the state
9 investigators you mentioned before that you dealt with
10 while you were at Coffee County?

11 A Yes.

12 Q And you see in your email, you write in your
13 second sentence, "You will find a response letter from
14 our office attached." Do you see that?

15 A Yes.

16 Q If you come down to the second page, you see
17 the letter that you sent to Mr. Hernandez there?

18 A Yes.

19 Q And at the end of that -- well, you point
20 out -- you start the letter by saying, "I assumed the
21 position of Supervisor of Elections on April 1st,
22 2021." Do you see that?

23 A Yes.

24 Q In the last paragraph, you wrote, "The
25 Coffee County Board of Elections fully understands the

1 requirement of maintaining absentee ballot transfer
2 sheets and chain of custody documents, and will ensure
3 this occurs for any future elections."

4 Do you see that?

5 A Yes.

6 Q And yet as you sit here, you don't recall
7 whether there were any chain of custody documents
8 maintained by the County or even signed for something
9 as significant as replacing your ICC and EMS server; is
10 that right, sir?

11 A Well, I understand your implications here;
12 however, there's not even paperwork around to be able
13 to fill out for this. It's not like this is something
14 anybody ever planned to happen. We don't even have a
15 chain of custody document for replacing servers.

16 Q 159 counties in Georgia, no one has ever had
17 to replace an ICC or a scanner -- or a server before?

18 MR. DENTON: Object to form.

19 MR. DELK: Object to the form.

20 Q (By Mr. Cross) Is that what you're saying?

21 A I'm not sure about all the other 159
22 counties.

23 Q You think in all the time that the State has
24 had electronic voting equipment across 159 counties,
25 they've never had to replace a server or an ICC

1 scanner?

2 MR. DELK: Object to the form.

3 MR. DENTON: Object to form.

4 THE WITNESS: The only thing I can
5 account to is I've never seen a form for
6 transferring those items.

7 Q (By Mr. Cross) And you don't think the State
8 has chain of custody documents, forms, or -- for
9 something as significant as replacing that election
10 equipment? You just think --

11 MR. DENTON: Object to form.

12 THE WITNESS: I've never seen it.

13 Q (By Mr. Cross) When Mr. Patel took the
14 equipment, did you ask him, did you say, "Hey, think I
15 should sign something here, maybe we should have some
16 kind of documentation that we've done this"?

17 A No, because both of the gentlemen that were
18 there were higher up [indiscernible] state employees,
19 and I trusted them.

20 Q Has anyone ever indicated to you that the
21 Secretary of State's office actually cannot take that
22 equipment and the data on it without a court order?
23 Has anybody ever discussed that with you?

24 A No.

25 Q As the elections supervisor, did you have an

1 understanding of whether your office was supposed to be
2 legally the custodian of records of everything on that
3 equipment?

4 A My understanding, there were legal custodians
5 of things, but how are you supposed to access it if you
6 don't have a password that works for it?

7 Q Well, I'm not asking about access right now.
8 I'm just asking you. You were the legal -- you
9 understand the County is the legal custodian of the
10 election data on those pieces of equipment, but you
11 handed them over to the State and didn't even document
12 it. I mean, that's the testimony today, right, sir?

13 MR. DENTON: Object to form.

14 THE WITNESS: I turned it over to the
15 State.

16 Q (By Mr. Cross) You mentioned something
17 earlier, and I just want to make sure I didn't
18 misunderstand. You said when they -- when Mr. Patel
19 first came in and was trying to access the data on the
20 EMS server, you said something to the effect that
21 they -- that they were able to move some data back-door
22 style?

23 A Well, they were able to --

24 MR. DENTON: Object to form.

25 THE WITNESS: It ended up being mostly

1 Q Do you know if -- the password for the ICC
2 and the EMS server, will the system lock you out if you
3 enter the wrong password after so many times?

4 A I believe that's correct, that it does lock
5 you if you do it too many times.

6 Q Is that a permanent lock until an IT
7 administrator comes in to fix it, or will it reset
8 after some period of time?

9 A I'm not sure one way or the other, honestly.

10 Q When Mr. Patel came in and tried the password
11 on the ICC and the EMS, was there any discussion of
12 whether it was just an inadvertent lockout because
13 someone had entered --

14 A No.

15 Q No, that wasn't discussed?

16 A No.

17 Q He just came in, tried the password, didn't
18 work, and he gave you new equipment?

19 A Well, they tried the password multiple times,
20 but there wasn't like a lock screen or anything. It
21 was the standard log-in screen.

22 Q I see. Okay.

23 When Mr. Patel came in, did you see him try
24 to circumvent the locked screen to try to get into the
25 operating system when the -- when the server was coming

1 on and booting up?

2 A No, I did not see that.

3 Q Have you ever had IT folks -- for example, if
4 you had a computer problem, have they ever shown you
5 how they can get access to the operating system without
6 going through the log-in?

7 A Well, I know that you can gain access to
8 operating systems sometimes depending on what the
9 software is, but doesn't that usually cause you to lose
10 the users?

11 Q I will get out of my depth quickly, and I
12 don't want to speculate on something. I'm just trying
13 to understand what your knowledge is.

14 You're aware that certain operating systems,
15 when a computer is booting up, you know, an IT person
16 can hit certain keys, for example, and that combination
17 of keys will bring up like a DOS operating system, for
18 example, a DOS prompt? Have you seen that?

19 A Yes.

20 Q Okay. Do you know whether that was tried by
21 Mr. Patel or Chris with the EMS server or the ICC?

22 A I'm not sure if they tried to do anything
23 like that or not, because I think their main goal was
24 trying to preserve the data on there and not disrupt
25 anything.

1 Q Okay. Do I understand correctly that for the
2 EMS server and the ICC, each county has just one
3 password to access those systems?

4 A The password on that is -- each one is
5 different. There's a 16-digit one that we use to get
6 into that, and then there's a separate password for the
7 ICC.

8 Q I see. Okay.

9 So that -- it was two passwords that weren't
10 working when you came in, for the ICC and for the EMS
11 server?

12 A To my recollection, the ICC password was
13 actually functional, but the other one was not.

14 Q Oh. So why did the State take the ICC too?

15 A I would assume just based -- that it's just
16 because there's a problem with this one, let's just
17 double-check and make sure there's not an issue with
18 that as well, which is understandable.

19 Q Yeah, okay. I see.

20 So it wasn't that you had a password issue or
21 that the ICC wasn't functioning; Mr. Patel made a
22 decision or someone at the State made a decision, since
23 they were taking the server, to go ahead and take the
24 ICC too?

25 A Yes, that's my understanding.

1 Q Did you specifically have a discussion, did
2 you ask Mr. Patel, "Oh, why are you taking the ICC
3 since it works"?

4 A No, because I assumed obviously there was
5 problems with the one and there could be issues with
6 that one as well. I mean, if it's been compromised in
7 any way, I can't use it in an election.

8 Q What do you mean by that?

9 A I mean simply what I said, if it has been
10 compromised in any way, I can't use it in an election.

11 Q Sorry, when you say "compromised," I'm just
12 trying to understand what you mean.

13 A I mean if somebody had gone in and changed
14 the password on there, then that would mean that I
15 can't use that system because of what else could have
16 been done. It's no longer trustworthy.

17 Q So that -- I see what you're saying. So the
18 concern was the password no longer working, that might
19 suggest a compromise and so you should replace both to
20 be safe?

21 A Yes.

22 Q In the time that you were the elections
23 supervisor for Coffee County, was anyone ever allowed
24 in the EMS server room apart from you and your
25 assistant?

1 A No.

2 Q So in the whole time you were there, you're
3 not aware of anyone ever being in that room apart from
4 the two of you?

5 A No, because I kept the key to it on me.

6 Q So no one from the Coffee County election
7 board, for example, was ever in that room, to your
8 knowledge?

9 A No.

10 Q And was that one of the changes that you made
11 for security after Ms. Hampton left?

12 A Well, now, hold on a second. They were
13 allowed in there during the adjudication process
14 because, of course, as you know, you've got to have two
15 people from the -- each party and you've got to have an
16 election board member there. So, yes, people were in
17 there during that period of time, but I was right there
18 at the actual server myself. So nobody was ever in
19 there unsupervised.

20 Q So for adjudication process, that happens in
21 the same room where the EMS server is?

22 A Yes, because the ICC and the EMS are both
23 right there together. They have to be networked
24 together by a cable.

25 Q And so the ICC sits in the same room as the

1 EMS server?

2 A Yes. They're both on the same desk,
3 actually.

4 Q I see. Okay. And so the ICC is the central
5 scanner that's used for paper ballots, right?

6 A Yes, that's correct.

7 Q So, for example, when voters vote absentee in
8 Coffee County, the County runs those through the ICC,
9 right?

10 A Yes.

11 Q And who is responsible for running ballots
12 through the ICC?

13 A I run the ballots through the ICC.

14 Q Did your -- did you assistant ever do that?

15 A No.

16 Q That's not something poll workers did?

17 A No.

18 Q So you were the sole person to run ballots
19 through the ICC?

20 A Correct.

21 Q And then when there was an adjudication
22 process, who all was typically in the room for that
23 with the EMS server and the ICC?

24 A Like I said, it would be the two
25 representatives from each party and two of the board

1 members and myself would be in there. And they would
2 be there basically just to say, yes, if there's an
3 issue, we all agree that this was voter intent.

4 Q And is that the same setup in Lanier County
5 when you were there?

6 A Yes, it's the same thing.

7 Q Is it your understanding that's how all the
8 counties are set up, that the adjudication process
9 happens in the room with the EMS server?

10 A Yes.

11 Q All right, let me show you something else.

12 (Discussion off the written record.)

13 (Exhibit 5 marked for identification.)

14 Q (By Mr. Cross) All right, grab Exhibit 5, if
15 you would, please.

16 A Okay, let's see here.

17 All right, I've got it.

18 Q So I just want to make sure we are talking
19 about the same thing.

20 You said earlier that when you came in as the
21 elections supervisor in Coffee County, the password for
22 the EMS that Ms. Hampton had had was still posted to
23 the screen on her computer, just like you had seen in
24 that YouTube video. Do you remember that?

25 A Yes, sir.

1 Q And this is a screenshot we took from the
2 YouTube video. Is this -- is this how you found it,
3 what's reflected here in Exhibit 5?

4 A Yes, that's correct.

5 Q Okay. And the password that's on Exhibit 5,
6 that's the password you tried and it didn't work?

7 A Yes.

8 Q Okay. Were you aware that after the November
9 2020 election, Coffee County had trouble certifying the
10 election results?

11 A Yes, I do remember that.

12 Q And what are you aware about that?

13 A Apparently they were having trouble getting
14 their numbers to match up, so they refused to certify.

15 Q And do you understand the report from
16 Coffee County was that when they ran the paper ballots
17 through the scanner again for recount, it would
18 generate a different total number of ballots, of votes,
19 than what was recorded on the election night?

20 A Yes, I had heard that.

21 Q Was that something you looked into when you
22 came on, to determine whether there was a glitch or a
23 problem or a compromise with the system in
24 Coffee County?

25 A Whenever I had tested the system out, like I

1 said, with logic and accuracy testing, I never saw any
2 discrepancies between what it was supposed to be and
3 anything else.

4 Q Okay. So you didn't yourself -- you didn't
5 participate in any kind of inquiry or investigation or
6 analysis to determine whether there was a problem with
7 the Coffee County system based on the certification
8 challenges they had reported?

9 A Well, being as I got a completely new server,
10 if there was any issue in that, it would have been
11 resolved.

12 Q And a new scanner?

13 A I don't believe we got a new scanner. But I
14 did clean that one because it had never been cleaned
15 before, and I didn't notice any issues with it.

16 Q The ICC is the scanner, right?

17 A No, the ICC is the computer that's attached
18 to the scanner.

19 Q Right. Sorry. Sorry, I'm getting mixed up.

20 The computer attached to the scanner is what
21 was replaced?

22 A Yes.

23 Q Yeah, and so the EMS server and that computer
24 were replaced. So, in your mind, if there had been a
25 challenge like that reported by Coffee County in late

1 oral, nothing was in writing?

2 A Unless he sent me a text message on the work
3 phone. That's possible.

4 Q Do you recall whether he sent you a text
5 message on your work phone?

6 A He may have in reference to that, as far as
7 when he was coming.

8 Q So sometimes, like when you're dealing with
9 CES on IT issues, they might shoot you a text?

10 A Yeah.

11 Q On your work phone?

12 A Yes.

13 Q Do you know why they replaced just the ICC
14 computer and not the scanner itself?

15 A I'm not sure because I don't know what their
16 policy is.

17 Q So you didn't ask why they were taking the
18 ICC computer but not the scanner?

19 A No.

20 Q When you came in to Coffee County, one of the
21 things that you found that had been left behind was a
22 business card from an organization called Cyber Ninjas,
23 right?

24 A Yes, that's correct.

25 Q And when you found that, you alerted

1 Chris Harvey to it at the State, right?

2 A Later on I notified him because, honestly, I
3 didn't even know what it was at the time. I just make
4 it a practice of keeping all business cards from a
5 former employee just in case I ever need it.

6 Q I see. So when you first came in on
7 April 1st, went through documents, files, things in the
8 office, you found the Cyber Ninjas card at that point,
9 but you didn't know what it was?

10 A That's correct.

11 Q And then about a month or so later, you
12 alerted Mr. Harvey to it; does that sound about right?

13 A Yes, that's correct.

14 Q What was it that happened in the intervening
15 weeks that made you think "I should probably let
16 Chris Harvey know about this"?

17 A Well, there was a letter -- or email, rather,
18 from Dominion that circulated around to all the county
19 offices warning about, you know, third-party actors
20 possibly trying to gain access to the servers, and
21 Cyber Ninjas was one of the groups that was mentioned,
22 and also the situation where they had done the forensic
23 audit in Arizona was mentioned as an example of what
24 they might be trying to do. And when I noticed that, I
25 figured, you know, hey, I've got a Cyber Ninjas card

1 over here; maybe I should forward that along and let
2 the State take over on that.

3 Q So you emailed Mr. Harvey and let him know
4 about the card, right?

5 A Yes, that's correct.

6 Q Why did you email him instead of calling him?

7 A Just because I wasn't sure what to do with
8 it. I had contacted a former supervisor about it and
9 said, "Hey, this doesn't look good." And he said,
10 "Well, why don't you go ahead and email Chris and let
11 him know." So that's what I did.

12 Q So when you came in and you realized that you
13 couldn't get access to the ICC and the EMS server, you
14 didn't email anyone about it, you only used the phone,
15 but when you thought about the Cyber Ninjas card might
16 be an issue, you emailed. Why treat them differently?

17 MR. DENTON: Object to form.

18 THE WITNESS: Well, just because it was
19 suggested that I email Chris Harvey, so
20 that's what I said. I mean, there's no
21 special, magic sauce to it. It's just how it
22 happened.

23 MR. CROSS: Okay.

24 (Exhibit 6 marked for identification.)

25 Q (By Mr. Cross) So pull up Exhibit 6, if you

1 would, please.

2 I'm sorry. Was Josh Black the one who
3 suggested you email Mr. Harvey?

4 A Yes, that's correct.

5 Q Just let me know when you've got this.

6 A I've got it.

7 Q All right. So if you look at the first page,
8 you'll see there's an email thread there. Do you see
9 that?

10 A Yes.

11 Q And if you come down to the bottom, there's
12 an email from you to Chris Harvey on May 7, 2021. Do
13 you see that?

14 A Yes.

15 Q But it's -- the full email is not there, but
16 you can see it reads, "The Dominion email today,
17 pertaining to Cyber Ninjas, was alarming to me. When I
18 took over at the Coffee County office, the attached
19 business card was at the base of Misty Hayes' computer
20 monitor."

21 And then if you scroll down, you'll see the
22 whole email of what you said. Do you see that?

23 A Yes.

24 Q And then you say, "I thought nothing of it
25 until I heard about the situation in Arizona with the

1 DOJ. If she did not use them, she was at the very
2 least in contact." Do you see that?

3 A Yes.

4 Q And then if you go all the way to the bottom,
5 you'll see a copy of the Cyber Ninjas card that you
6 sent to Mr. Harvey.

7 A Yes.

8 Q What was the situation in Arizona with DOJ
9 that prompted your concern?

10 A Well, that was mentioned in that Dominion
11 email, you know, where the Department of Justice had
12 come in and stopped that -- stopped them from, you
13 know, tampering with the equipment. So I just felt
14 like it would be pertinent to look into that.

15 Part of the reason is -- you can see why that
16 was sent in email form, is because I scanned the card
17 just to show, hey, this Douglas Logan guy had a
18 business card here.

19 Q Got it. Yep.

20 And then -- so do I understand correctly your
21 concern was you got an -- you got the alert from
22 Dominion, you understood the situation with DOJ in
23 Arizona --

24 A Yes.

25 Q -- with Cyber Ninjas, and you thought there

1 at least potentially could be a similar compromise
2 issue in Coffee County, and so you thought you should
3 alert Chris Harvey to that? Is that fair?

4 A Yes. And, of course, I was also, you know,
5 thinking about the situation -- if somebody had come in
6 and, you know, touched any of the equipment or done
7 anything.

8 Q Right. And did it occur to you that that
9 might explain why the password no longer worked on the
10 ICC and the EMS, that someone like Cyber Ninjas may
11 have come in and done something?

12 A Yeah, the thought did cross my mind.

13 Q And was that something you discussed with
14 Mr. Harvey or Mr. Patel or others when they were
15 looking into the server and replacing it?

16 A Well, when I was talking with them about it,
17 part of my concern was that, you know, potentially
18 somebody had done something to that server.

19 Q Did you speak specifically with Mr. Patel,
20 for example, about maybe it was Cyber Ninjas?

21 A Honestly, I thought that I had sent that to
22 Chris before they ever got the servers, but it may have
23 been after that.

24 Q So your thinking is that you sent this email
25 to Mr. Harvey with the Cyber Ninjas card before they

1 replaced the server and the ICC?

2 A That was what I thought.

3 Q Okay.

4 A Honestly, to be sure about that, I'd have to
5 see the call log on the phone.

6 Q Right. And that timing would suggest that
7 you didn't realize that the passwords weren't -- that
8 the password wasn't working on the server until
9 sometime after your May 7 email?

10 A That's what I thought, yes.

11 Q So now your recollection is --

12 A Well, I'm not sure which one came first, but
13 I don't recall having a conversation with them, when
14 they came, about Cyber Ninjas.

15 Q "Them" being Mr. Patel and Chris from --

16 A Yes, that's correct.

17 Q So you don't recall ever speaking to them
18 about Cyber Ninjas?

19 A No, I don't recall.

20 Q You only communicated with Chris Harvey?

21 A Yes, that's correct.

22 Q And so Mr. Harvey here writes you back four
23 days later. You sent your email on a Friday afternoon.
24 He responds on Tuesday, May 11th. "I think it might be
25 prudent to see if there has been any contact between

1 the person on the card and anyone in your office and/or
2 if they have had any access to any of your equipment.
3 I have let our investigations division and CES know,
4 and they might follow up with you." Do you see that?

5 A Yes.

6 Q So a few questions on this. Did anyone ever
7 follow up with you from the State on this issue?

8 A I never heard anything back from anybody at
9 the State.

10 Q So no further communications from anyone at
11 the State about the concern that Mr. Harvey notes here
12 about whether there might have been access to any of
13 the equipment at Coffee County?

14 A No, I never heard anything else back from
15 them.

16 Q And you can see on Mr. Harvey's email back to
17 you, he copies Frances Watson. Do you see that?

18 A Yes.

19 Q And do you recall she was formerly the head
20 of the investigations unit at the Secretary's office?

21 A Yes, that's correct.

22 Q So you never heard from Ms. Watson?

23 A No.

24 Q Never heard -- you mentioned a number of
25 investigators that you spoke with during your time at

1 Coffee County.

2 None of those or any other investigator ever
3 raised any issue with you at all about Cyber Ninjas or
4 potential access to Coffee County?

5 A No, I never heard from any of them.

6 Q And Michael Barnes here, head of CES, also
7 copied on your email -- do you see that --

8 A Yes.

9 Q -- never heard from Mr. Barnes about this
10 issue?

11 A No, sir.

12 Q And, again, the State has provided a document
13 indicating that the EMS server was replaced on June 8,
14 so about a month after this, and already we can see
15 that Mr. Harvey has alerted CES to the Cyber Ninjas
16 issue. But do I understand correctly that throughout
17 all of your communications with CES on replacing that
18 server, no one ever suggested to you that it had
19 anything to do with the Cyber Ninjas concern or an
20 improper access concern?

21 A I don't recall any conversation of that.

22 Q So no one from the State ever came to
23 Coffee County, for example, to look at any of the
24 equipment there forensically to determine whether there
25 had been any improper access while you were at that

1 office; is that right?

2 MR. DELK: Object to form.

3 THE WITNESS: Not while I worked
4 there.

5 Q (By Mr. Cross) No one came in and looked at
6 any hard-copy files while you were there?

7 A I don't recall anybody coming to look at
8 anything like that.

9 Q No one spoke with your assistant, to your
10 knowledge?

11 A No, not to my knowledge.

12 Q No one spoke with any member of the board, to
13 your knowledge?

14 A As far as the board goes, I couldn't say. I
15 never heard anything from them about it.

16 Q But if an investigator from the State had
17 contacted your assistant or a board member about
18 possible improper access to voting equipment, would you
19 expect them to let you know that that outreach had
20 occurred, given you were the elections supervisor?

21 A I would tend to think I would have heard
22 about it.

23 Q Okay. Did you follow up with Mr. Harvey
24 after his May 11th email about the Cyber Ninjas card
25 and potential improper access to the equipment there?

1 A No, I never reached back out to him. I
2 wasn't able to ever find anything.

3 Q Why didn't you follow up with Mr. Harvey or
4 Mr. Barnes or anyone else?

5 A Like I said, because when I looked into it,
6 apparently, you know, the video cameras in the office
7 are set on a certain time period, and then after that
8 it kind of deletes it to make room for more, so I
9 didn't have any footage to look at from back then or
10 anything like that, so I just kind of left it to them.

11 Q So the election -- the head of elections from
12 the State of Georgia told you on May 11 that there was
13 at least some concern about access to any of your
14 equipment, your election equipment, and he was going to
15 have the State investigate it, and you never heard from
16 anyone and you didn't -- you didn't want to follow up
17 yourself to understand whether there was a concern you
18 might need to deal with?

19 MR. DELK: Object to form.

20 THE WITNESS: Like I said before,
21 sometimes they have a backlog of
22 investigations and they may end up having to
23 come back to it at a later date. I may just
24 simply not have heard from them yet. It's
25 entirely possible they'll contact me at some

1 point and follow up.

2 Q (By Mr. Cross) So Coffee County continued to
3 use election equipment -- BMDs, poll pads, printers, a
4 scanner, a central scanner, polling place scanners --
5 in elections in 2021, while you were there, after the
6 head of elections for the State said that there was a
7 potential access concern that needed to be
8 investigated; is that right?

9 A We used the same --

10 MR. DENTON: Object to form.

11 A -- poll pads and ballot-marking devices.

12 Q I'm sorry, can you say that again?

13 A We use the same poll pads and ballot-marking
14 devices and scanners.

15 Q And the same printers, right?

16 A Yes.

17 Q And you said the same scanners?

18 A Yes.

19 Q After the email you got from Chris Harvey on
20 May 11th, right?

21 A Yes, that's correct.

22 Q If you see here, Ms. Watson sends the email
23 internally to Pamela Jones within about half an hour of
24 Mr. Harvey's email. Do you see that?

25 A Is it just further down in this one?

1 Q It's the very top, the most recent email on
2 the first page.

3 A Yes, I see it.

4 Q And here Ms. Watson, the head of the state
5 investigative unit at that time, writes, "Can you
6 contact the County and verify what, if any, contact
7 Cyber Ninjas had with any election equipment?" Do you
8 see that?

9 A Yes.

10 Q And you're saying you never heard from
11 Pamela Jones?

12 A I never heard from anybody asking about
13 contact with the equipment or Cyber Ninjas. It's
14 possible that they reached out and asked somebody else.

15 Q Well, it's only you and your assistant
16 responsible for elections in the state beyond -- or in
17 Coffee County beyond the Board, right?

18 A Yes, that's correct. I'm just saying it's
19 possible that they reached out to somebody at the
20 actual county commissioner's office because, of course,
21 we have cameras in there but we don't have a terminal
22 for them on site.

23 Q All right. So you mentioned cameras a couple
24 of times. I want to make sure I understand that. What
25 cameras are you talking about?

1 A Just the cameras in the office.

2 Q And that's in the office where you work or
3 worked?

4 A Yes.

5 Q And what cameras were in the election office
6 at Coffee County when you were there?

7 A There was one in the front lobby. There was
8 one over there, let's see, near Sandy Grantham's desk.
9 And then there was one down in the big room where
10 there's a portion for early voting.

11 THE WITNESS: My headset is about to
12 die, so I'm going to have to switch over to
13 the computer.

14 MR. CROSS: Okay.

15 (Discussion off the written record.)

16 Q (By Mr. Cross) So no -- there was no cameras
17 in your office?

18 A No, not in that office.

19 Q And no cameras in the room where the EMS
20 server and the ICC were?

21 A No. I don't -- I don't believe that there's
22 a camera in the big room where the scanners are.

23 Q And the only access to the room with the EMS
24 server is through a door specifically to that room, but
25 they first have to get into your office?

1 A Yes, sir.

2 Q And you said you yourself looked to see if
3 there was any footage after you found the Cyber Ninjas
4 card; is that right?

5 A Yes. I contacted Charles Dial just to see,
6 you know, what, if anything, there was, if anybody had
7 come. I asked board members about it as well.

8 Q And did Mr. Dial tell you there was no
9 available footage for those cameras?

10 A Yes.

11 Q Did he explain why that was?

12 A He said it had already been overwritten. It
13 only kept maybe like about a three-month period on it.

14 Q And where is the footage from those cameras
15 maintained? Who has that?

16 A That would be up there at the county office.

17 Q So did you alert -- or did you reach out to
18 Mr. Dial about this before or after you emailed
19 Mr. Harvey?

20 A I'm not sure about that.

21 Q Was it roughly around the same time?

22 A Yeah, roughly around that time period,
23 because I followed up, basically, and did what Chris
24 had recommended me to do.

25 Q Chris Harvey?

1 State provides to upload election files for an
2 election, in your experience, the County also has flash
3 drives that it plugs into the EMS to pull down a copy
4 of election project files after an election, right?

5 A Well, usually it's during the election. But,
6 yes, once you complete it, you should update that
7 backup one last time just in case something ever
8 happened to the server and you needed to
9 [indiscernible].

10 Q And in your experience, when that happens,
11 were you using the same flash drive that the State
12 provided before the election or using a different flash
13 drive to pull the election project files off?

14 A No, it's a different one.

15 Q And where did you get that flash drive?

16 A This -- these were the black flash drives
17 that the State originally sent. They sent like a
18 fairly large box full of them.

19 Q When did those come in?

20 A Before I got there.

21 Q I see. And where -- and so when you got
22 there, where did you find these flash drives?

23 A The box of flash drives were just in there in
24 the server room.

25 Q How many were in there approximately?

1 A Maybe 30 or 40, something around that nature.

2 Q You said maybe 30 or 40?

3 A Yes.

4 Q And none of those flash drives had any
5 election project files from elections preceding you?

6 A No. Those were blank.

7 Q They were all blank.

8 How do you know that all 30 or 40 flash
9 drives in that box actually came from the State?

10 A Well, I'm not entirely sure that they did,
11 but it had the -- they were black and had the same
12 writing on it as the one the State sent, so I assumed
13 they were.

14 Q I see. Okay.

15 And you were in -- you were the assistant
16 elections supervisor in Lanier County for the
17 switchover from DREs to BMDs, right?

18 A Yes, that's correct.

19 Q And was it the same method there? So with
20 the DRE system, you'd have a flash drive, you'd pull
21 off the election data onto a flash drive from the old
22 GEMS server, much like you do with the Dominion system
23 now; is that right?

24 A Yes, that's correct.

25 Q And when you were in Lanier County and there

1 C E R T I F I C A T E
2

3 STATE OF GEORGIA

4 COUNTY OF COBB

5
6 I, MICHELLE M. BOUDREAUX-PHILLIPS, do hereby
7 certify that JAMES A. BARNES, JR., the witness whose
8 deposition is hereinbefore set forth, was duly sworn by
9 me and that such deposition is a true record of the
10 testimony given by such witness.

11
12 I further certify that I am not related to
13 any of the parties to this action by blood or marriage
14 and that I am in no way interested in the outcome of
15 this matter.

16
17 IN WITNESS WHEREOF, I have hereunto set my
18 hand this 27th day of July 2022.

19 

20
21 MICHELLE M. BOUDREAUX-PHILLIPS, RPR
22
23
24
25